

STAFF REPORT
Community Development Department
Petition Number: SE-12-007

To: The Charlotte County Board of Zoning Appeals

From: Shaun Cullinan, Zoning Official

Prepared By: Ken Quillen, AICP, Planner III

Report Date: June 5, 2012

BZA meeting date: June 13, 2012

Requested Action/General Information:

Jennifer O'Brien is requesting a special exception to allow an outdoor dog run, for a dog boarding facility, in a Commercial General (CG) zoning district. The property is located at 17266 Toledo Blade Boulevard in Port Charlotte (see attached **Area Map**). The attached **Zoning Map** shows the zoning of this property, which is Commercial General (CG). This property has a Commercial Future Land Use Map designation.

The applicant would like to be allowed to have an outdoor dog run at a proposed new dog kennel, which is a permitted use in the Commercial General zoning district. **Sections 3-9-42 (Exhibit A)**, of the Zoning Code allows "Animal hospitals with boarding of animals in completely enclosed buildings" as a permitted use, but also allows outdoor markets, or similar type uses, by special exception. As such the Zoning Official has determined that an outdoor dog run may be allowed by special exception in the CG zoning district.

The applicant has submitted the attached **Site Plan (Exhibit B)** showing the location of building, parking areas, play area, landscaped areas, and other improvements. The applicant has stated that the outdoor "play area" is enclosed with a fence. The applicant has also submitted the attached **Floor Plan (Exhibit C)** showing the proposed layout of the interior of the building including offices, kennels, and indoor play areas.

This property has one existing access drive off of Brighton Avenue and no changes are proposed to the existing access. According to the applicant's **Site Plan** there are 16 existing off-street parking spaces. Planning staff has determined that this proposed use will be required to provide two parking spaces per employee based on the Zoning Code. The applicant believes that 16 off-street parking spaces will be adequate for this proposed new use.

The applicant has also submitted the attached **Narrative (Exhibit D)** explaining why they believe a special exception should be granted. The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum (Exhibit E)** dated May 30, 2012.

Findings: **The six standards for approval of a Special Exception according to Section 3-9-7(f) of the Charlotte County Zoning Code are as follows:**

1. The requested special exception is either explicitly permitted in the zoning district for which it is requested or is permitted by reasonable implication within that district.

Finding: The Zoning Official has determined that an outdoor dog run may be allowed by special exception in the Commercial General (CG) zoning district, based on Sections 3-9-42(e)(11) of the Zoning Code.

2. The requested special exception is compatible with existing uses surrounding immediately adjacent and contiguous to the land on which the requested special exception would exist.

Direction:	Existing Land Uses:	Existing Zoning:	Future Land Use Map Designation:
North	Professional services	CG	Commercial
South	Commercial retail & offices	CG	Commercial
East	Vacant commercial lots	CG	Commercial
West	Two-family residences and vacant lots	RMF-10	Multifamily Residential

Finding: The proposed outdoor dog run is considered compatible with the existing and future commercial uses surrounding this property.

3. Adequate access shall be provided for ingress and egress to the proposed use in a manner that minimizes hazards and congestion on streets and roads.

Finding: One existing access drive is provided off of Brighton Avenue. No changes are proposed at this time to the existing access drive.

4. Adequate provision has been made for buffers, landscaping, trees, open space, storm-water or other improvements associated with the proposed use.

Finding: A storage warehouse was originally constructed on this property in 2005. There are no new buildings or structures proposed at this time. This property was developed after being approved through the Site Plan approval process and staff has determined that this proposed change does not warrant a new Site Plan Review.

5. The requested Special Exception is consistent with the **Smart Charlotte 2050 Plan** (Charlotte County Comprehensive Plan) and **Land Development Regulations**.

Finding: The Commercial General zoning classification is intended "...to provide areas in which the customary and traditional conduct of trade, retail sales and commerce may be carried on without disruption by the encroachment and intrusion of incompatible residential uses..." Staff believes that an outdoor dog run, in association with a dog boarding facility, is consistent with these **Land Development Regulations** and the **Smart Charlotte 2050 Plan**.

6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

Finding: Staff believes that the proposed outdoor dog run, in association with a dog boarding facility, would not be detrimental to or endanger the public health, safety or general welfare of the surrounding commercial area.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the proposed outdoor dog run does meet the six criteria for granting a special exception.

If the Board of Zoning Appeals decides to approve the requested special exception staff recommends the following conditions be adopted as conditions of approval to ensure the use is in compliance with the purpose and intent of the Zoning Code. The conditions are as follows:

1. The special exception, as approved by the Board of Zoning Appeals, is to allow an outdoor dog run and play area, in conjunction with the dog boarding facility, as indicated on the site plan presented by the applicant.
2. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

Please be advised that the final decision regarding the petition rests with the Board of Zoning Appeals, and will be decided upon after consideration of all the evidence introduced at the hearing.

Attachments: Staff Report (3), Location Map, Zoning Map, Aerial Photo, Sections 3-9-42, Site Plan, Floor Plan, Narrative (2) and Environmental Specialist Memorandum



Open
for Business

SE-12-007 Location Map

Map Prepared By
Charlotte County
Community Development
Department



01/40/21 Mid County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created 05-24-2012

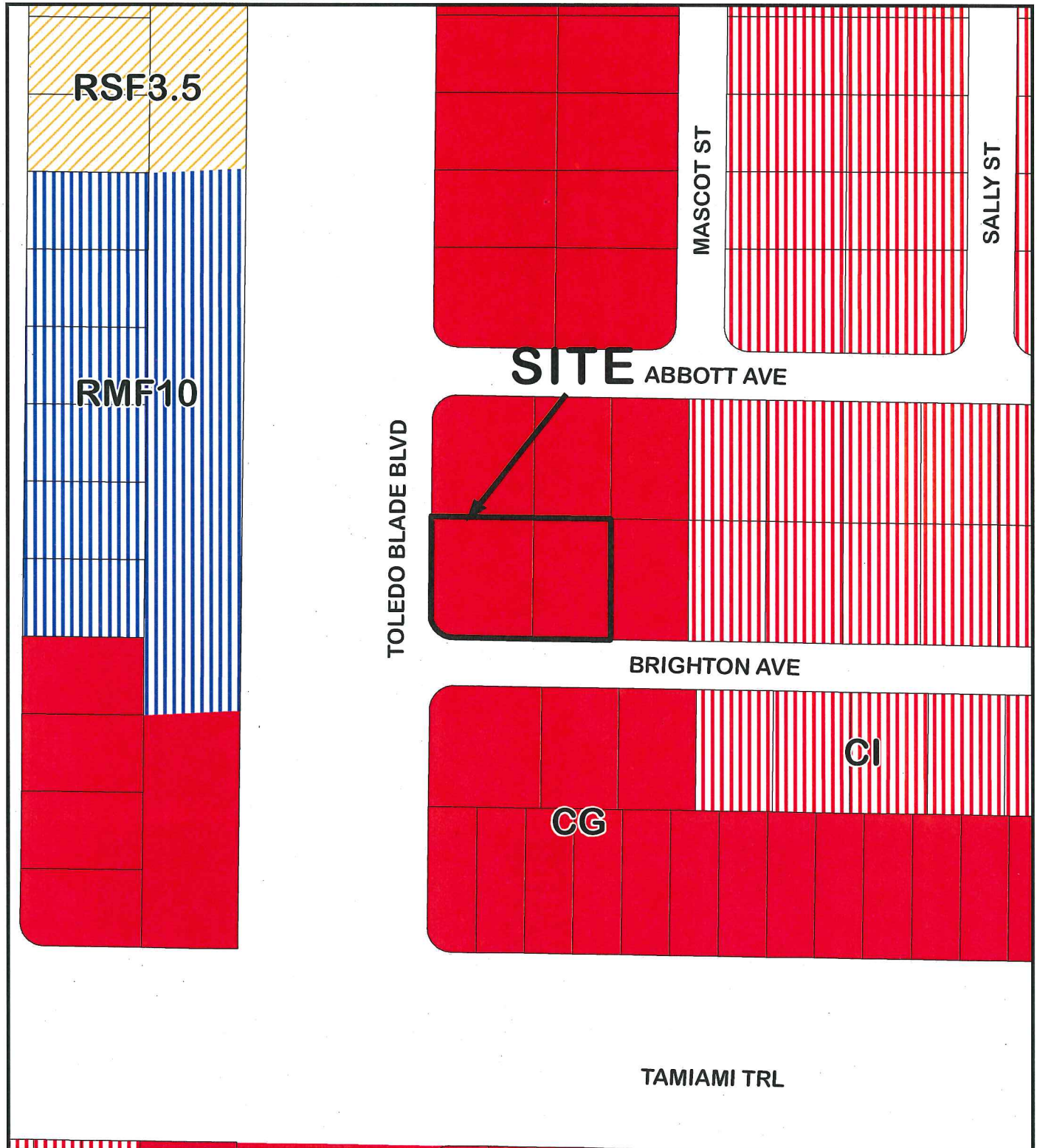




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SE-12-007 Zoning Map

Map Prepared By
Charlotte County
Community Development
Department



01/40/21 Mid-County

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SE-12-007 Aerial Photo

Map Prepared By
Charlotte County
Community Development
Department



01/40/21 Mid County

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Site plan approval pursuant to section 3-9-5.1 is required prior to all development in this district. Landscape buffers and screening shall be required in this district in accordance with the provisions of article XXII, chapter 3-5, of the Code, as the same may be amended. If the CN district abuts a residential district, no structure other than screening required pursuant to article XXII, chapter 3-5, of the Code, shall be erected closer to the abutting residentially zoned property than twenty-five (25) feet or the building height, whichever is greater.

Where properties lie anywhere on a barrier island or within twelve hundred (1,200) feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with section 3-9-98.

(g) *Off-street parking.* Off-street parking shall be in accordance with section 3-9-90.

(h) *Lighting.* Maximum height of lighting fixtures shall be fifteen (15) feet, arranged so that no direct source of light is visible from any residentially zoned property.

(i) *Utility areas.* Utility areas, including trash receptacles, shall be completely screened from the view of customers and adjacent property owners and shall be located in the rear yard in case of interior lots and in the side yard in case of corner lots.

(j) *Signs.* Signs shall be in accordance with section 3-9-95.
(Ord. No. 89-34, § 15, 5-31-89; Ord. No. 94-58, §§ 1—5, 11-3-94; Ord. No. 2001-031, § 1(l), 6-12-01; Ord. No. 2002-008, § 1, 1-28-02)

Editor's note—The provisions of former § 3-9-41 are now found in § 3-9-45.

Sec. 3-9-42. Commercial, general (CG).

(a) *Intent.* The commercial, general (CG) district is intended to provide areas in which the customary and traditional conduct of trade, retail sales and commerce may be carried on without disruption by the encroachment and intrusion of incompatible residential uses and protected from the adverse effects of undesirable industrial uses.

(b) *Permitted principal uses and structures.* The following uses and structures are permitted in this district:

- (1) Hotels, motels and restaurants.
- (2) Professional services.
- (3) Personal services.
- (4) Business services.
- (5) Retail sales and services, provided that all merchandise shall be stored and displayed within fully enclosed buildings.
- (6) Parking lots and parking garages in support of permitted uses in the CG zoning district.



- (7) Automotive specialty services, including the sale and repair of starters, generators, alternators and electrical parts, carburetors, speedometers and instruments, provided the services are performed on parts off the vehicle and no installation or removal of parts from the vehicle is performed on the premises.
- (8) Automotive parts, provided no installation is performed on the premises and all parts are stored within a completely enclosed building.
- (9) Resort marinas.
- (10) Sport marinas.
- (11) Garden shops, including the sale of plants, fertilizers and customary garden supplies, equipment and furniture. Storage and sales areas for plants and live vegetation may be outside the building.
- (12) Private clubs.
- (13) Post offices.
- (14) Indoor commercial recreational facilities such as motion picture theaters, swimming pools, bowling alleys and similar uses.
- (15) Vocational, trade, business schools, colleges and universities, provided all activities are conducted in completely enclosed buildings.
- (16) Banks and other financial institutions.
- (17) Animal hospitals with boarding of animals in completely enclosed buildings.
- (18) Adult congregate living facilities in accordance with section 3-9-63.1.
- (19) Package stores for the sale of liquor.
- (20) Houses of worship in accordance with section 3-9-80.1.
- (21) Model homes not intended to be used for residential purposes.
- (22) Funeral homes, crematoria.
- (23) Laundromats and dry cleaning facilities.
- (24) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages, greater than one thousand (1,000) feet from a church or school.
- (25) Billiard parlors and game arcades.
- (26) Essential and emergency services.
- (27) Gas pumps with site plan approval by the development review committee.
- (28) Car wash with site plan approval by the development review committee.
- (29) Laboratories, class 3, provided central sewer is available.
- (30) Child and adult day care facilities.
- (31) Photocopying shops.



(c) *Permitted accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district, including a residential dwelling unit within the same structure as the principal use for occupancy by owners or employees of permitted uses.

(d) *Prohibited uses and structures.* Any use or structure not expressly, or by reasonable implication permitted herein or permitted by special exception shall be unlawful in this district.

(e) *Special exceptions.* (For procedure see section 3-9-7, "Special exceptions.") The following are special exceptions in this district:

- (1) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages, subject to the provisions of section of section 3-9-66 of this Code, less than one thousand (1,000) feet from a church or school.
- (2) Mass transit stations.
- (3) Miniature golf courses.
- (4) Elementary, middle, and high schools.
- (5) Outdoor markets.
- (6) Television and radio transmitter towers.
- (7) Window tinting and radio installation within an enclosed building.
- (8) Heliport or helistop.
- (9) Mini-warehouse.
- (10) Automobile rental agencies.
- (11) Such other uses as determined by the zoning official or his/her designee to be:
 - a. Appropriate by reasonable implication and intent of the district.
 - b. Similar to another use either explicitly permitted in that district or allowed by special exception.
 - c. Not specifically prohibited in that district.

The board of zoning appeals shall review a favorable determination of the zoning official under this provision at the time the special exception application is presented to it. An unfavorable determination of the zoning official or his/her designee shall be appealable pursuant to section 3-9-6 of these regulations.

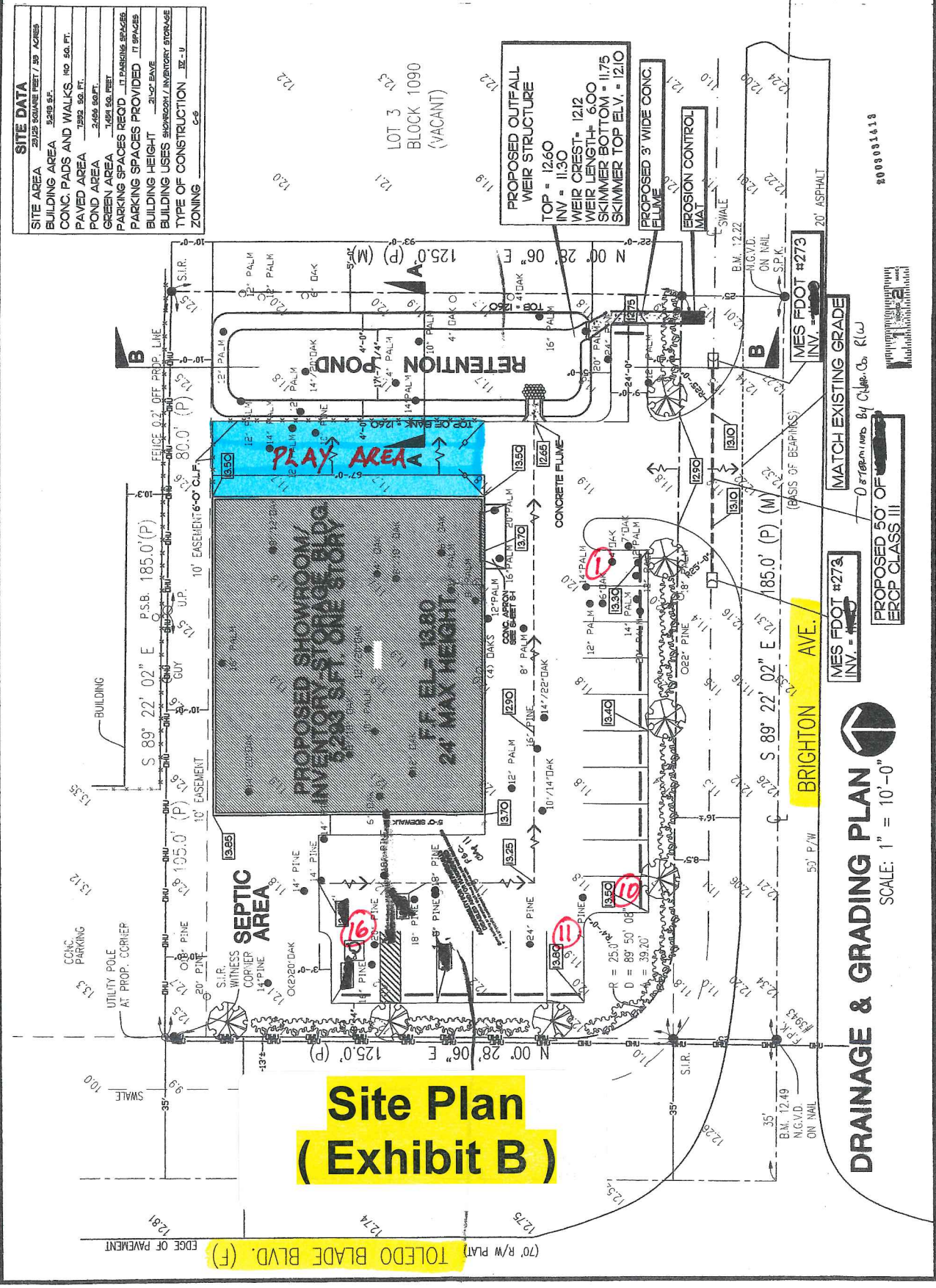
(f) *Development standards.* The following development standards shall apply in this district:

Minimum lot requirements:

Area, square feet	12,000
Width, feet	100

SITE DATA

SITE AREA	23,025 SQUARE FEET / .53 ACRES
BUILDING AREA	5,249 SF
CONC. PADS AND WALKS	NO 50' FT.
PAVED AREA	1,992 SF
POND AREA	2,456 SF
GREEN AREA	1,494 SF
PARKING SPACES REQ'D	17 PARKING SPACES
PARKING SPACES PROVIDED	17 SPACES
BUILDING HEIGHT	24'-0" MAX
BUILDING USES	SHOWROOM / INVENTORY STORAGE
TYPE OF CONSTRUCTION	BE - U
ZONING	C-2



**Site Plan
(Exhibit B)**

DRAINAGE & GRADING PLAN

SCALE: 1" = 10'-0"

SEAL:

CONSULTANT:

REVISIONS:
NO. DATE REMARKS



CAMP BOW WOW

17266 Toledo Blade Blvd.
Port Charlotte, FL

Floor Plan (Exhibit C)

APPROXIMATE SQUARE FOOTAGE OF
TENANT SPACE = 5,441 SQUARE FEET



3/16" = 1'-0"

1 PRELIMINARY FLOOR PLAN (DESIGN #1)
SCALE: 1/4" = 1'-0"

PROJECT NO: 2012.0035
DATE: 04.27.12

A1.0
PRELIMINARY
DESIGN PLAN

CHECKED:

Narrative

Camp Bow Wow is an upscale, non-traditional boarding kennel and doggie day care facility. Owners drop their dogs off for a full or half day of day camp, where they are allowed to socialize with other dogs in a supervised environment, or may stay overnight for boarding as well as participate in the day camp program. The campers are only kenneled as needed during the day when being fed, napping, or during a "time out." In the evening boarding campers are housed in a kennel ("cabin") that is a climate-controlled environment. The special exception that is being applied for is for the outdoor dog run (play yards). At Camp Bow Wow the play areas allow campers to access both indoor and outdoor areas when they socialize with other campers similar in age, temperament and size. When in the play areas, the campers are always accompanied by a counselor that monitors their activity and redirects activity as necessary.

Camp Bow Wow takes every precaution to ensure barking will not be an issue. Our staff is well trained and constantly monitors dogs inside and outside in the play areas. We use specialized group and individual behavior training techniques to keep barking to an absolute minimum. Dogs are kept inside with only brief monitored time periods outside. The outside play yards are constructed with solid vinyl or chain link with privacy slats to act as a noise buffer. We also utilize special landscape and layout techniques to address noise issues. The fewer things a dog can see off property the less likely they are to bark. Play yards will be positioned at the back of the building to use the building as a sound buffer.

Camp Bow Wow has very high standards for cleanliness. We utilize the same specialized cleaners and disinfectants used in hospitals, childcare centers and gyms which keep our facilities, indoor and out, smelling fresh and clean. We target a very upscale clientele that requires our facilities to be kept spotless. We offer our customers live web cam systems to monitor their dogs and do not allow waste visible on these cameras.

Camp Bow Wow franchisees follow a specific plan to ensure odor will not be an issue at camp. Counselors constantly patrol play yards and pick up waste immediately. Waste is picked up and deposited in a galvanized steel trashcan with lid and a 2-3 mil trashcan liner. The liner is removed, sealed and deposited in the facility dumpster twice a day. The dumpster is picked up at least twice per week. A typical Camp Bow Wow produces one large garbage bag of waste per day. In the rare event a dumpster odor issue arises, a special enzymatic solution is sprayed in the dumpster to eliminate odor. The system is recommended by Animal Control Officers who use similar methodology. The outdoor play areas are sprayed once a day with a specialized cleaner/disinfectant that eliminates odor and bacteria.

We take every precaution to make sure drainage isn't an issue. We do not spray anything down to clean it, we use a light misting device and specialized squeegees to assist us in cleaning the equipment. We also use a professional auto-scrubber to clean the floors which intakes any excess water into the machine. The amount of water used to clean our

(Exhibit D-1)

outdoor play yards is equivalent to a five-minute human shower. Our disinfectants are also environmentally friendly and do not require rinsing.

We feel this special exception should be made for 17266 Toledo Blade Blvd to allow for outdoor play yards on the backside of this building. County code does not state that this is specifically prohibited in this district.

This business is compatible with businesses near and around this location as there is a veterinary clinic across the street that offers boarding. We will also have a retail store of dog-related items similar to other specialty retail stores surrounding this location. This is a corner lot that has businesses on only two sides and a vacant lot behind it. Most businesses are 8-5 and with no residences in this area, makes this an ideal location.

Minimal congestion will be added to streets and roads because typical camps don't require more than five to seven parking spaces as most business is drop offs and pick ups. For day camp patrons pick ups and drop offs only take a couple of minutes. Arrival/departure times vary due to half day and full day programs offered. Pick ups and drop offs for boarding campers present less frequent traffic than day camp because of longer lengths of stay. The traffic typically flows evenly as people drop off and pick up at varied times throughout the day. Vendor traffic consists of deliveries by UPS and FedEx and occurs no more than two times per week. Camp Bow Wow does not require freight deliveries.

Provisions have been made to buffer the dogs from outside influences as referenced before. Privacy slats and landscaping will be used to aid in visual aesthetics and are designed to block the dog's view of the outside world.

The special exemption is consistent with Charlotte County Comprehensive Plan and Land Development Regulations.

There will be no detriment or endangerment to public health, safety or general welfare due to Camp Bow Wow's proven track record in safety, cleanliness, design and operational knowledge. In addition "Best Practices" are shared between camps so that the system is constantly improved.

Hopefully all this information is enough to show Camp Bow Wow's superior quality and that it would make a great addition to the community. Camp Bow Wow franchisees pride themselves in becoming involved and giving back to the community.

(Exhibit D-2)



MEMORANDUM

Date: May 30, 2012
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: SE-12-007
Camp Bow Wow Dog Facility
17266 Toledo Blade Blvd.

The Zoning Environmental Review Section has conducted a cursory review (additional wildlife or environmental reviews may be required by state and/or federal agencies) of the above referenced petition for compliance with Environmental, Tree and Landscaping codes/ordinances and offers the following comments:

- ❖ A GIS aerial review was conducted by staff. The property consists of a developed commercial lot on the corner of Toledo Blade and Brighton Ave surrounded by other developed commercial lots.

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review (if required) and the issuance of any county permit or land improvement activities:

- ❖ All applicable county, state and federal authorization/permits, and mitigation (if necessary) will be required.
- ❖ If this proposal moves forward, it will be reviewed for compliance with:

Chapter 3-2:

Article IX. *TREE REQUIREMENTS**

**All heritage trees (per Section 3-2-190) must remain preserved.

Chapter 3-5:

Article IV *CLEARING, FILLING AND SOIL CONSERVATION**,

Article XVIII, *LANDSCAPING AND BUFFERS**

- ❖ The project must also comply with the Charlotte County Smart Charlotte 2050 Comprehensive Plan.

If there are any questions pertaining to this review please feel free to contact me at (941) 743-1290.

JS

(Exhibit E)